

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ROBERT KALVITZ,	)	CASE NO.: 1:16-cv-00748
	)	
Plaintiff,	)	JUDGE SOLOMON OLIVER, JR
	)	
vs.	)	
	)	
CITY OF CLEVELAND, OHIO ET. AL.,	)	<b>DEFENDANTS CHRISTOPHER D.</b>
	)	<b>RANDOLPH, JEFFREY J.</b>
Defendant.	)	<b>FOLLMER, AND STEVEN W.</b>
	)	<b>KINAS' JOINT WITNESS LIST</b>
	)	<b>AND EXHIBIT LIST</b>
	)	

Defendants Christopher D. Randolph, Jeffrey J. Follmer, and Steven W. Kinas (hereinafter "individual Defendants"), by and through undersigned counsel, hereby submits their Witness List and Exhibit List pursuant to this Honorable Court's Trial Order:

<b>Witness</b>	<b>Description of Testimony</b>
<b>Christopher Randolph</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Mr. Randolph will deny all of the Plaintiff's allegations against him.
<b>Jeffrey Follmer</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Mr. Follmer will deny all of the Plaintiff's allegations against him.
<b>Steve Kinass</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Mr. Kinass will deny all of the Plaintiff's allegations against him.
<b>Sergeant Raytheon Martin</b> Detroit Police Department 1301 3rd Street Detroit, MI 48226	Sgt. Martin was present at the Zone Car Lounge when the Plaintiff, who was clearly intoxicated, used the N-word toward him and his fellow Police Officers. Sgt. Martin a victim of the Plaintiff's actions in this matter.
<b>Charles McGeever</b> Cleveland Police Dispatch 1300 Ontario St. Cleveland, Ohio 44113	Mr. McGeever was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014. Mr. McGeever provided transportation to the Plaintiff after the events unfolded.

<b>Commander Jamie Tavano</b> Tri-C Police Academy 11000 W Pleasant Valley Rd #226 Cleveland, OH 44130	Commander Tavano has known the Plaintiff since his employment at East Cleveland Police Department. Commander Tavano was present at the Zone Car Lounge and witnessed the Plaintiff, who was clearly intoxicated, possess weapons. Commander Tavano assisted with the transportation of the Plaintiff after the events unfolded.
<b>Megan McMahon</b> 1303 W 58th St. Cleveland, OH 44102	Ms. McMahon was working at the Zone Car Lounge at the time of the events in the Plaintiff's Complaint.
<b>Karrie Eckert</b> 1303 W 58th St. Cleveland, OH 44102	Ms. Eckert was working at the Zone Car Lounge at the time of the events in the Plaintiff's Complaint.
<b>Kerry McCafferty</b> FBI Special Agent 1501 Lakeside Avenue Cleveland, OH 44114	Special Agent McCafferty was present at the Zone Car Lounge and witnessed the Plaintiff, who was clearly intoxicated, use the N-word at the African American Detroit Police Officer(s). Special Agent McCafferty tried to diffuse the situation. The Plaintiff went into attack mode. Special Agent McCafferty responded, disarmed the Plaintiff, and took him to the ground.
<b>Betsy McCafferty</b> Cuyahoga Metropolitan Housing Authority 8120 Kinsman Rd Cleveland, OH 44104	Ms. McCafferty is the wife of Special Agent McCafferty. Ms. McCafferty was present at the Zone Car Lounge and witnessed the Plaintiff, who was clearly intoxicated, be the aggressor in the situation with her husband.
<b>Det. Chuck Schultz</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Detective Schultz was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014.
<b>Det. Andrew Hayduck</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Detective Hayduck was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014.
<b>Sgt. Jackie Bennett</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Sergeant Bennett was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014.
<b>P.O. Tia Hargrove</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Officer Hardgrove was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014.
<b>Sgt. Jonathan Moran</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Sgt. Moran was dispatched to the Zone Car Lounge in response to the Plaintiff's actions.
<b>P.O. Anthony Gonzalez</b> Cleveland Police Department 1300 Ontario St.	Officer Gonzalez was dispatched to the Zone Car Lounge in response to the Plaintiff's actions.

Cleveland, Ohio 44113	
<b>P.O. Mark Maguth</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Officer Maguth was dispatched to the Zone Car Lounge in response to the Plaintiff's actions.
<b>Matthew Hartnett</b> Special Agent at ATF 6745 Engle Rd Ste 200 Cleveland, OH 44130-7993	Special Agent Hartnett was present at the Zone Car Lounge and witnessed the Plaintiff's intoxication and actions on May 17, 2014.
<b>Sgt. Ken Allen</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Sgt. Allen was present at the Zone Car Lounge on May 17, 2014.
<b>P.O. Anthony Tomaro</b> Cleveland Police Department 1300 Ontario St. Cleveland, Ohio 44113	Officer Tomaro was present at the Zone Car Lounge on May 17, 2014.

The individual Defendants incorporate herein by reference all individuals named in the City of Cleveland's and/or the Plaintiff's Witness Lists and Initial Disclosures. In addition, the individual Defendants will continue to supplement their witness list immediately upon learning of any additional witnesses pursuant to the Court's Order.

The individual defendants also hereby submit their Exhibit List pursuant to this Honorable Court's Trial Order, indentifying the following exhibits:

1. Police Report Record Management System (RMS) No. 201400140593
2. Event Chronology 201400140593
3. Audio recording(s)
4. Daily Duty Assignment – Second District/Third Platoon 5/16/14
5. Daily Duty Report for 5/16/14 – Sgt. Jonathan Moran
6. Daily Duty Report for 5/16/14 – P.O. Anthony Gonzalez/P.O. Mark Maguth
7. Daily Duty Assignment – Third District/4322 Platoon 5/17/14 (Randolph)
8. Daily Duty Report for 5/17/14 (Randolph)

9. Daily Duty Assignment – Personnel Unit/First Shift 5/17/14 (Follmer/Kinas)
10. Plaintiff's answers & responses to discovery
11. Plaintiff's declaration filed with opposition to summary judgment
12. Property Held Evidence for Owner (Items 1 & 2 + Plaintiff's Driver's License)  
for RMS 201400140593 (Plaintiff)
13. Plaintiff's medical records produced on or about June 19, 2019
14. Malpractice complaint filed by Plaintiff on or about May 31, 2019 – Cuyahoga  
County Common Pleas Court Case No. CV-19-916176

The individual Defendants will continue to supplement their Exhibit List immediately upon learning of any additional exhibits pursuant to the Court's Order.

Respectfully submitted,

/s/ Marisa L. Serrat  
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**Counsel for Jeffrey Follmer**

/s/ Keith R. Wolgamuth  
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**Counsel for Christopher Randolph**

**CERTIFICATE OF SERVICE**

I certify that on July 8, 2019 a copy of the foregoing was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

/S/ MARISA SERRAT  
**MARISA SERRAT (0088840)**